

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

<b>JOURDEAN LORAH,</b>	)	
<b>Plaintiff,</b>	)	
	)	<b>C.A. No. 06-539-SLR</b>
<b>v.</b>	)	
	)	
<b>DEPARTMENT OF NATURAL</b>	)	<b>Jury Trial Demanded</b>
<b>RESOURCES AND ENVIRONMENTAL</b>	)	
<b>CONTROL, and THE PMA GROUP</b>	)	
<b>Defendants</b>	)	

**DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL'S  
MOTION TO DISMISS THE COMPLAINT**

**NOW COMES** the Delaware Department of Natural Resources and Environmental Control (hereinafter "DNREC") and moves the Court, pursuant to Fed. R. Civ. P. 12 (b) (1) and Fed. R. Civ. P. 12 (b) (6) for the entry of an order dismissing the Complaint for the reasons set forth in DNREC's Memorandum of Law filed contemporaneously herewith.

**DEPARTMENT OF JUSTICE  
STATE OF DELAWARE**

/s/ Robert F. Phillips  
Robert F. Phillips, Bar ID # 2453  
Deputy Attorney General  
Carvel State Office Building  
820 North French Street  
Wilmington, DE 19801  
(302) 577-8400  
Attorney for Defendant DNREC

DATED: January 16, 2007

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FOR THE DISTRICT OF DELAWARE**

<b>JOURDEAN LORAH,</b>	)	
<b>Plaintiff,</b>	)	
	)	<b>C.A. No. 06-539-SLR</b>
<b>v.</b>	)	
	)	
<b>DEPARTMENT OF NATURAL</b>	)	<b>Jury Trial Demanded</b>
<b>RESOURCES AND ENVIRONMENTAL</b>	)	
<b>CONTROL, and THE PMA GROUP</b>	)	
<b>Defendants</b>	)	

**ORDER**

**IT IS SO ORDERED**, this \_\_\_\_\_ day of \_\_\_\_\_, 2007, that Defendant Department of Natural Resources and Environmental Control's Motion to Dismiss pursuant to Fed.R.Civ.P.12(b)(1) and Fed.R.Civ.P.12(b)(6) is hereby **GRANTED**.

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Chief Judge Sue L. Robinson



***CERTIFICATE OF MAILING AND/OR DELIVERY***

The undersigned certifies that on January 16, 2007, he caused the attached *Motion to Dismiss the Complaint* to be electronically filed in this Court and to be delivered to the following person(s) in the form and manner indicated:

**NAME AND ADDRESS OF RECIPIENT(S):**

Jourdean Lorah  
114 Walls Ave  
Wilmington, DE 19805

The PMA Group  
P.O. Box 25249  
Lehigh Valley, PA 18002-5249

**MANNER OF DELIVERY:**

- \_\_\_\_\_ One true copy by facsimile transmission to each recipient.
- X   Two true copies by first class mail, postage prepaid, to each recipient.
- \_\_\_\_\_ Two true copies by Federal Express.
- \_\_\_\_\_ Two true copies by hand delivery to each recipient.

/s/ Robert F. Phillips  
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